REMARKS

Applicant amended independent claims 1, 9, 17, 22, 27 and 29 to further define Applicant's claimed invention. Support for the amendments to independent claims 1, 9, 17, 22, 27, and 29 can be found in the specification at least on page 2, lines 22-24, page 4, line 21 through page 6, line 11, page 8, lines 5-20, page 11, line 21 through page 12, line 8, and page 12, line 21 through page 13, line 8. No new matter has been added.

In the Office Action, the Examiner rejected claims 1-4, 6, 7, 9-12, 14, 15, 17, 19, 20, 22, 23, 27, 29-31, 38-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,900 to Ginter ("Ginter") in view of U.S. Patent No. 5,848,396 to Gerace ("Gerace").

Applicant amended independent claims 1 and 9 to recite a system for targeting media content to a plurality of users including a coding system for creating a media object profile, "said media object profile being attached" to the media object and a mediator for "detaching said media object profile" from the media object. Independent claim 1 further recites that the mediator provides "to at least one of said users at least a second media object based on said media object profile detached from said first media object." Independent claim 9 further recites that the mediator selects "at least one of said stored media objects having a media object profile matching at least one characteristic of said media object profile detached from said user requested media object."

Applicant amended independent claim 17 to recite a method for targeting at least one media object to a plurality of users including "generating a coded header including a medial object profile for said user requested media object and attaching said coded header to said user requested media object," "detaching said coded header from said user requested media object and decoding said coded header to retrieve said media object profile," and "delivering said user requested media object with at least said second media object having a media object profile matching at least one characteristic of said media object profile of said user requested media object retrieved from said detached coded header."

Applicant amended independent claim 22 to recite a smart media object including "a header portion containing a coded header including a media object profile of said smart media object correlated from content use information" gathered from user

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interaction with said media object portion by said users, the content use information not being correlated with any attribute of said users, said media object profile not including any attribute of said users, "at least a portion of said coded header being detachable from said smart media object, said detachable portion of said coded header being decodable to retrieve said media object profile."

Applicant amended independent claim 27 to recite a method for targeting media objects to a plurality of users including creating a media object profile for said at least one user requested media object based on said correlated content use information and "attaching said created media object profile to said user requested media object," and "generating a media object profile for said at least one second media object based on said correlated content use information and attaching said generated media object profile to said second media object to create a smart media object."

Applicant amended independent claim 29 to recite a method for targeting media objects to a plurality of users including creating at least one Internet link profile based on the correlated content use information and "attaching said created Internet link profile to said at least one of said user requested Internet links," and "selecting at least a second Internet link based on the created Internet link profile of the user requested Internet link and delivering to the user the user requested link and at least the second Internet link having a link profile matching at least one aspect of the profile of the user requested link."

Ginter and Gerace, alone or when properly combined to not disclose or suggest such systems and methods.

In KSR International Co. v. Teleflex Inc. et al., the Supreme Court reaffirmed the framework for governing obviousness under 35 U.S.C. § 103(a) as set forth in Graham et al. v. John Deere Co. of Kansas City et al., 383 U.S. 1, 148 U.S.P.Q. 459 (1966). (See KSR v. Teleflex, 127 S.Ct. 1727 (2007).) Under Graham v. John Deere, the question of obviousness is resolved on the basis of factual determinations including (1) the scope and content of the prior art, (2) the differences between the claimed invention and the prior art, (3) the level of ordinary skill in the pertinent art, and (4) where in evidence, so-called secondary considerations. (See Graham v. John Deere, at 17-18, 148 U.S.P.Q. at 467.) However, even under Graham v. John Deere, a

combination of references that does not teach or suggest each and every element of the claimed invention supports a finding of nonobviousness. Applicant submits that Ginter and Gerace when properly combined do not teach or suggest Applicant's claimed invention as recited in independent claims 1, 9, 17, 22, 27, and 29.

Ginter teaches that "[r]eporting of usage information and user requests can be used for supporting electronic currency, billing, payment and credit related activities, and/or for user profile analysis and/or broader market survey analysis and marketing (consolidated) list generation or other information derived, at least in part, from said usage information." (Ginter, col. 36, lines 28-34.) Thus, Ginter teaches profiling a user, not a media object, and analyzing a user profile based on user information and user requests. Ginter does not teach or suggest gathering content use information generated by user interaction with a media object and correlating the gathered content use information with the media object to create a media object profile as recited in independent claims 1, 9, 17, and 27. Ginter does not teach or suggest a smart media object including a header portion containing a coded header including a media object profile of said smart media object correlated from content use information gathered from user interaction with said media object portion by said users as recited in independent claim 22. Ginter does not teach or suggest collecting content use information from user interaction with user requested Internet links and creating at least one Internet link profile based on the correlated content use information as recited in independent claim 29.

Gerace teaches a computer network method and apparatus that "provides targeting of appropriate audience based on psychographic or behavioral profiles of end users," which are "formed by recording computer activity and viewing habits of the end user." (Gerace, Abstract.) Thus, similar to Ginter, Gerace teaches creating a user profile based on user information and user requests, and targeting advertisements to the user's profile. Gerace further teaches that "[a]nother part of the Sponsor Objects 33a-d is a computer subroutine 41 (FIG. 3a) which provides performance reporting. This enables the sponsors of the advertisements to obtain reports on successful use of the advertisements." (Gerace, col. 12, lines 57-60.) In Gerace, several types of Reports are disclosed, namely, an Overview Report, a Detailed Package Report, a Demographic response Rates Report, and a

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Psychographic Profiling Report. (See Gerace, col. 12, line 64 through col. 13, line 33.) Gerace teaches that when a sponsor-user who placed an ad logs into the system, "main routine 39 uses Page Objects 35 and displays the existing ads section which offers a 'reporting' option. Upon the sponsor-user selecting the 'reporting' option, main routine 39 lists in a screen view, the standard reports from the corresponding Sponsor Object 33a and an option to generate a custom report." (Gerace, col. 18, lines 36-50.) Thus, the Reports of Gerace are generated as a separate function from a separate menu in response to a user request and are not attached to Internet links or media objects.

Applicant submits that none of the Reports of Gerace are "a media object profile" or an "Internet link profile" that is "attached" to the "media object" or an "Internet link" as recited in independent claims 1, 9, 27, and 29. Moreover, Gerace does not disclose or suggest "detaching said media object profile from said first media object and providing to at least one of said users at least a second media object based on said media object profile detached from said first media object" as recited in independent claim 1. Further, Gerace does not disclose or suggest "detaching said media object profile" from the user requested media object and selecting a second media object "having a media object profile matching at least one characteristic of said media object profile detached from said user requested media object" as recited in independent claim 9.

Applicant further submits that none of the Reports of Gerace are "a coded header including a media object profile" of the media object that is "attached" to the media object as recited in independent claims 17 and 22. Moreover, Gerace does not disclose or suggest "detaching said coded header from said user requested media object and decoding said coded header to retrieve said media object profile" as recited in independent claim 17. Likewise, Gerace does not disclose or suggest that "at least a portion of said coded header" is "detachable from said smart media object, said detachable portion of said coded header being decodable to retrieve said media object profile" as recited in independent claim 22.

Applicant submits that even if Ginter and Gerace were combined as proposed by the Examiner, the proposed combination would not disclose or suggest all of the recitations of independent claims 1, 9, 17, 22, 27, and 29, as amended. It is submitted that independent claims 1, 9, 17, 22, 27, and 29 are allowable over the cited

references, and that dependent claims 2-4, 6, 7, 10-12, 14, 15, 19, 20, 23, 30, 31, and 38-49, dependent from one of independent claims 1, 9, 17, 22, 27 and 29, or claims dependent therefrom, are patentable at least due to their dependency from an allowable Independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: <u>August 8, 2008</u>　　　　　By:_____
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